



68 Inverness Lane East #204  
Englewood, CO 80112  
Fax 303-649-1844  
866-807-4755 • 303-649-1843  
Website: [www.npstc.org](http://www.npstc.org)

#### MEMBER ORGANIZATIONS

American Association of State Highway and Transportation Officials  
American Radio Relay League  
American Red Cross  
Association of Public Safety Communications Officials - International  
Forestry Conservation Communications Association  
International Association of Chiefs of Police  
International Association of Emergency Managers  
International Association of Fire Chiefs  
International Association of Fish and Wildlife Agencies  
International Municipal Signal Association  
National Association of State Emergency Medical Services Directors  
National Association of State Foresters  
National Association of State Telecommunications Directors

#### LIAISON ORGANIZATIONS

Federal Communications Commission  
Federal Partnership for Interoperable Communications  
Telecommunications Industry Assn  
U.S. Dept. of Agriculture  
U.S. Dept. of Justice  
CommTech Program  
U.S. Dept. of Homeland Security  
FEMA  
Safecom Program  
U.S. Department of Interior

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#### EX PARTE – FILED ELECTRONICALLY

October 8, 2004

Ms. Marlene Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: NPSTC Petition For Reconsideration on FCC Docket 00-32

Dear Ms. Dortch,

The National Public Safety Telecommunications Council (NPSTC) respectfully supports the industry consensus recommendations, filed by the Telecommunications Industry Association Private Radio Section (TIA PRS) on October 7, 2004, for modification of Commission Rule Section 90.1215 (47 CFR §90.1215) to re-harmonize the power measurement procedure contained in the existing Commission Rule Section 90.1215 with the power measurement procedure contained in the recently modified Commission Rule Section 15.407 (47 CFR §15.407). We too believe that the Commission's adoption of these recommendations would expedite the availability of 4.9 GHz MHz products for public safety providers in full accordance with the Commission's goals.

As noted by TIA PRS, the Commission when adopting the newly defined power measurement procedure contained in the modified Commission Rule Section 15.407 was apparently unaware of the need to adopt complementary modifications to the power measurement procedure in Commission Rule section 90.1215 in order to maintain the harmonization between the Commission Rule sections 15.407 and 90.1215. Therefore, PRS believes the Commission can adopt the modifications to Commission Rule section 90.1215, recommended herein, "on the Commission's own motion."

Thus, it is the recommendation of NPSTC that the Commission should re-harmonize the language in the now existing Commission Rule sections 15.407 and 90.1215 by adopting rules changes "on its own motion." The recommended rules change to be adopted by the Commission would modify the language of Commission Rule section 90.1215 to be consistent with the language of Commission Rule section 15.407 as such section is modified by the Report and Order in 04-165 adopted in July 2004.

Respectfully submitted,

Marilyn Ward  
Chair - National Public Safety Telecommunications Council

cc: *Mr. John Muleta, Chief, Wireless Telecommunications Bureau*  
*Mr. Michael Wilhelm, Chief, Public Safety & Critical Infrastructure Division*